

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA	§	CRIMINAL CASE NO.
	§	
v.	§	1:16-cr-00237-AT-JSA
	§	
JAMES G. MALONEY,	§	
	§	
Defendant.	§	

---

**CONSENT MOTION FOR EXTENSION OF TIME  
TO FILE PRETRIAL MOTIONS**

---

COMES NOW, JAMES G. MALONEY, Defendant herein, by and through the undersigned counsel, and files this, his Consent Motion for Extension of Time to File Pretrial Motions, and respectfully moves this honorable Court to extend the time in which Defendant may file any pretrial motions by sixty (60) days, from July 14, 2016, to September 14, 2016, and shows as follows:

On June 28, 2016, an Indictment was returned against Defendant, alleging conspiracy, in violation of 18 U.S.C. § 1343; mail fraud, in violation of 18 U.S.C. § 1341; and wire fraud, in violation of 18 U.S.C. § 1343. *See* Doc. # 1. Defendant had his initial appearance and was arraigned on June 30, 2016. *See* Doc. # 4.

As an initial matter, Defendant's counsel in relation to the criminal investigation has discussed the proposed extension of time to file motions with counsel for the government, and counsel for the government consents to, and does not oppose, the proposed extension.

Defendant also shows that his counsel for the purposes of the investigation was out of town at the time of Defendant's arraignment, and intends to meet with Defendant in the next week or so to complete arrangements for the post-Indictment representation of Defendant. Counsel has also been gradually recovering from a back injury for the past several weeks.

In addition, the government has complied with its discovery obligations and, in doing so, has furnished Defendant with approximately seven (7) compact discs (CDs) of material. Moreover, the government has also advised Defendant that it possesses computers seized from the Georgia Institute of Technology or the Georgia Tech Research Institute, and has offered to provide the information on these computers to Defendant, if Defendant will furnish the government with hard drives. Defendant intends to take the government up on its offer.

In view of the foregoing, upon information and belief, there is a considerable amount of potential evidence in this case. Defendant and his counsel will need a

reasonable amount of time to review the evidence—and any evidence from other computers—in order to effectively and meaningfully prepare any pretrial motions.

Under Local Criminal Rule 12.1, motions are ordinarily to be filed within within fourteen (14) days after arraignment. *See* LCrR 12.1(B). Given that Defendant was arraigned on June 30, 2016, his deadline to file any motions would be July 14, 2016, under LCrR 12.1. Defendant respectfully asks for a sixty (60) extension of time from July 14, 2016, to September 14, 2016, in which to review evidence and to file any pretrial motions. A proposed Order is attached hereto as Exhibit A.

WHEREFORE, for the reasons set forth herein, Defendant James G. Maloney prays that this honorable Court grant his Consent Motion for Extension of Time to File Pretrial Motions, and extend the time in which Defendant may file any pretrial motions by sixty (60) days, from July 14, 2016, to September 14, 2016.

Respectfully submitted, this 1st day of July, 2016.

GILLEN WITHERS & LAKE, LLC

/s/Anthony C. Lake

Anthony C. Lake

Georgia Bar No. 431149

One Securities Centre, Suite 1050

3490 Piedmont Road, N.E.

Atlanta, Georgia 30305

Telephone: (404) 842-9700

Facsimile: (404) 842-9750

E-mail: [aclake@gwllawfirm.com](mailto:aclake@gwllawfirm.com)

Counsel for Dr. James G. Maloney

**CERTIFICATION**

The undersigned hereby certifies, pursuant to N.D.Ga.L.Civ.R. 7.1D, that the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14 point) approved by the Court in N.D.Ga.L.Civ.R. 5.1B.

GILLEN WITHERS & LAKE, LLC

/s/Anthony C. Lake

Anthony C. Lake

Georgia Bar No. 431149

One Securities Centre, Suite 1050

3490 Piedmont Road, N.E.

Atlanta, Georgia 30305

Telephone: (404) 842-9700

Facsimile: (404) 842-9750

E-mail: [aclake@gwllawfirm.com](mailto:aclake@gwllawfirm.com)

Counsel for Dr. James G. Maloney

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this 1st day of July, 2016, the undersigned served the foregoing document by filing the document via the Court's Case Management/Electronic Case Filing (CM/ECF) system, which will automatically serve notice of such filing on the following attorneys of record:

**John Russell Phillips, Esq.**  
**Stephen H. McClain, Esq.**  
**Assistant United States Attorney**  
**United States Attorney's Office for the Northern District of Georgia**  
600 Richard Russell Building  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303  
[stephen.mcclain@usdoj.gov](mailto:stephen.mcclain@usdoj.gov)  
[russell.phillips@usdoj.gov](mailto:russell.phillips@usdoj.gov)

GILLEN WITHERS & LAKE, LLC

/s/Anthony C. Lake  
Anthony C. Lake  
Georgia Bar No. 294838  
One Securities Centre, Suite 1050  
3490 Piedmont Road, N.E.  
Atlanta, Georgia 30305  
Telephone: (404) 842-9700  
Facsimile: (404) 842-9750  
E-mail: [aclake@gwllawfirm.com](mailto:aclake@gwllawfirm.com)

Counsel for Dr. James G. Maloney